



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

September 3, 1998

Mr. Kevin D. Pagan
Assistant City Attorney
City of McAllen
P.O. Box 220
McAllen, Texas 78505-0220

OR98-2116

Dear Mr. Pagan:

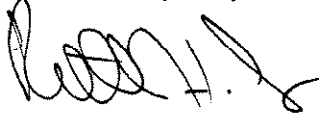
You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 117910.

The McAllen Police Department (the "department") received a request for a copy of a police report. You indicate that the department has released the front page offense information from the report, but you assert that the remaining information is protected from disclosure under section 552.108(a)(1) of the Government Code.¹ Section 552.108(a)(1) provides an exception from disclosure for information that is held by a law enforcement agency or prosecutor and that deals with the detection, investigation, or prosecution of crime, when release of such information would interfere with the detection, investigation, or prosecution of crime. You assert that there is an ongoing investigation and pending criminal prosecution concerning the incident that it is the basis of the report. Since there is an ongoing investigation and pending prosecution, we agree that you have shown that release of this information would interfere with the investigation or prosecution of crime. Open Records Decision No. 216 at 3 (1978) (release of information during pending criminal case would interfere with prosecution of crime and law enforcement interests). Thus, the report may be withheld from disclosure under section 552.108(a)(1). We also note that the department has discretion to release all or part of the remaining information that is not otherwise confidential by law. Gov't Code § 552.007.

¹We note that the documents submitted contain the type of basic, front page information that may not be withheld from disclosure. *Houston Chronicle Publishing Co. v. City of Houston*, 531 S.W.2d 177, 186-87 (Tex. Civ. App.--Houston [15th Dist.] 1975), writ *ref'd n.r.e. per curiam*, S.W.2d 559 (Tex. 1976); Gov't Code § 552.108(c). As you indicate that front page report information has already been released, this ruling addresses only the remaining report information.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read 'Ruth H. Soucy', with a stylized flourish at the end.

Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/ch

Ref: ID# 117910

Enclosures: Submitted documents

cc: Mr. Joel Flores
Route 1, Box 298
Donna, Texas 78537
(w/o enclosures)